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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,322	01/16/2004	Joseph J. Kubler	14364US10	2925

23446 7590 10/20/2011  
MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER
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EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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10/20/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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TECHNOLOGY CENTER 2600**

MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

In re Application of:  
KUBLER, JOSEPH J. et al  
Application Serial No.: 10/760,322  
Filed: January 16, 2004  
For: **HIERARCHICAL DATA COLLECTION  
NETWORK SUPPORTING PACKETIZED VOICE  
COMMUNICATIONS AMONG WIRELESS  
TERMINALS AND TELEPHONES**

**DECISION  
ON PETITION**

This is a decision on the petition requesting withdrawal of the final action, filed February 09, 2011, pursuant to 37 CFR § 1.181.

Petitioner alleges that the examiner erred in holding the Office action mailed January 04, 2011 final and requests withdrawal of finality of the Office action.

**PERTINENT BACKGROUND INFORMATION**

A non-final Office action was mailed on April 26, 2010 rejecting claims 22-39, 41-68, and 70-85. Claims 1-21, 40, and 69 were withdrawn from consideration.

Applicant filed an amendment and request for reconsideration on August 06, 2010 wherein claims 22, 45, 54, 81, 83, and 85 were amended. Claims 1-21, 40, 69, 80, 82, and 84 were cancelled. Claims 86-88 were added.

On January 04, 2011, the Examiner issued a Final Office action rejecting claims 22-39, 41-68, 70-79, 81, 83, and 85-88.

On February 09, 2011 petition requesting withdrawal of final action was filed.

On May 04, 2011, a RCE was filed and processed.

**DECISION**

The issue of whether or not the examiner properly made final the office action on January 04, 2011 became moot with applicant's filing of an RCE on May 04, 2011. Accordingly, the RCE filed May 04, 2011 has been processed.

For the reasons set forth above, the petition to withdraw finality is **DISMISSED AS MOOT.**

Serial No.: 10/760,322

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Decision on Petition

The application will be forwarded to the examiner for appropriate action responsive to the RCE filed September 1, 2009.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

*Wanda L. Walker*

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Wanda L. Walker

Director

Technology Center 2600

Communications